

Zoya Kovalenko (Cal. SBN 338624)
13221 Oakland Hills Blvd., Apt. 206
Germantown, MD 20874
678 559 4682
zoyavk@outlook.com

Plaintiff Zoya Kovalenko

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZOYA KOVALENKO,

Plaintiff,

v.

KIRKLAND & ELLIS LLP, MICHAEL
DE VRIES, MICHAEL W. DEVRIES,
P.C., ADAM ALPER, ADAM R. ALPER,
P.C., AKSHAY DEORAS, AKSHAY S.
DEORAS, P.C., LESLIE SCHMIDT,
LESLIE M. SCHMIDT, P.C., AND
MARK FAHEY,

Defendants.

) Case No. 4:22-cv-05990-HSG

) **PLAINTIFF'S NOTICE OF INTENT TO**
) **OPPOSE DEFENDANT KIRKLAND &**
) **ELLIS LLP'S MOTION TO REDACT**
) **[DKT. NO. 16] PLAINTIFF'S COMPLAINT**
) **[DKT. NO. 1]**

) JURY TRIAL DEMANDED

) Judge: The Honorable Haywood S. Gilliam, Jr.

Plaintiff provides notice that it will oppose Defendant Kirkland & Ellis LLP (“**Defendant**”)’s Motion to Redact [Dkt. No. 16] Plaintiff’s Complaint [Dkt. No. 1], which Motion Defendant filed after the close of business on Wednesday, November 23, 2022. Plaintiff will submit her Opposition to the Court on Thursday, December 1, 2022, in advance of the time set forth to oppose a motion (two weeks from filing) pursuant to Civil Local Rule 7-3(a).¹ As Plaintiff’s Opposition will demonstrate, Defendant’s Motion is without merit for several reasons, including the following. First, Defendant applies the wrong legal standard—good cause rather than compelling reasons—for requesting redactions to information in a complaint, which courts consider akin to a dispositive motion. Second, Defendant assumes without explanation that information it proposes for redaction is protected under attorney-client privilege and/or as attorney-work product. Consequently, Defendant, as the party asserting attorney-client privilege and work-product protection, does not satisfy its burden of establishing that the privilege or protection applies to its proposed redactions. Third, Defendant fails to satisfy its burden to show information should be redacted based on the standard it has applied. Defendant: (i) fails to articulate adequate interests warranting redaction; (ii) provides only speculative and conclusory assertions of harm to demonstrate alleged injury; and (iii) does not address why a less restrictive alternative is not sufficient. Fourth, Defendant’s proposed redactions are inconsistent and unprincipled relative to other similar information in the Complaint, demonstrating the arbitrary and specious nature of its proposed redactions.

Respectfully submitted this 30th day of November, 2022.

By: /s/ Zoya V. Kovalenko
 Zoya V. Kovalenko (Cal. SBN 338624)
Plaintiff
 13221 Oakland Hills Blvd., Apt. 206
 Germantown, MD 20874
 678 559 4682
 zoyavk@outlook.com

¹ Defendant improperly styled its Motion to Redact Plaintiff’s Complaint as an administrative motion, as Plaintiff’s Opposition will demonstrate.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that: (1) counsel representing Defendant Kirkland & Ellis LLP (“**Kirkland**”) is being served with a copy of the foregoing document via ECF; and (2) counsel representing each of Kirkland’s co-Defendants is being served with a copy of the foregoing document via email (Lynne Hermle, lchermle@orrick.com; Joseph Liburt, jliburt@orrick.com) on November 30, 2022.

/s/ Zoya Kovalenko
Zoya Kovalenko